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Copies of Letters to His Excellency the Governor General and Memorial to the Right Honorable the Secretary of State, relative to the claim of George Herman Ryland, Esquire, on Her Majesty's Government, with Despatches on the same subject, followed by an Appendix containing Lord Sydenham's guarantee and other Documents bearing on the case, &c. &c. &c.

MOUNT LILAC,

29TH MARCH, 1843.

SIR,

I regret to be under the necessity, so immediately on your arrival in this Province, of troubling you with matters of a personal nature, but as the case which I am about to bring under Your Excellency's notice is one not only affecting individual interest, but in the settlement of which the faith and honor of the British Crown are concerned, further apology for my intrusion at this early stage of Your Excellency's administration, will, I trust, be considered unnecessary.

The case to which I refer, is one relating to claims on Government, consequent on an arrangement entered into between Lord Sydenham and myself, by which I consented, on public grounds, to give up a lucrative patent appointment, expressly conferred on me by my Sovereign, in reward of public services, on receiving a guarantee of a certain annual income, and the full benefit, as Registrar of Quebec, which could be derived under the Ordinance 4th Victoria, chapter 30.

On the 7th December last, I addressed a letter on the subject to His Excellency Sir Charles Bagot, pointing out the changed position in which I was placed with regard to the Crown, by the alterations in the Act during the last Session of the Provincial Parliament, which cut off all the remunerating clauses before the expiration of the period during which it was covenanted by Her Majesty's Representative that I should be entitled to the excess of income, which was anticipated from the working of the Ordinance, as put in force, and calling upon the Executive to grant such adequate remuneration as under the peculiar circumstances of the case I considered myself entitled to receive.

This letter, together with other papers relative to the case, were referred by Sir Charles to the Executive Council, but His Excellency's severe illness has, I have been officially informed, prevented a decision being had. In the mean time, instead of being rewarded for my ready compliance with the views of Government, instead of receiving that prompt discharge of an agreement, which in private life would have been considered binding between man and man, I am placed in a situation of extreme embarrassment and pecuniary distress.

On my appointment as Registrar of Quebec I was obliged to give securities in the sum of five thousand pounds; these gentlemen are still held responsible with myself for the due discharge of the duties of the office, and for the consequences of any errors committed by the clerks; and I am obliged to furnish money out of my private means to provide an office and carry on public department, the receipts of which do not, and cannot, under the present Tariff, and minute accuracy required by the forms of enregstration, meet the current and necessary expenses of the office, much less afford an adequate remuneration to the officer at the head of the department.

Had the first year (dating from the period when the Registry Ordinance was put in force) been allowed to expire without any alteration being made in the law, I should have considered myself bound to abide by the result, and indeed could not then have called on Government for further remuneration than the annual income named in Mr. Secretary Murdoch's letter of the 22d August, 1841; but inasmuch as the alterations in the law were introduced by the Executive at the very moment when the public were preparing for a compliance with its provisions, by which the anticipated remuneration would have been secured to me, the power which interfered to my prejudice is, I maintain, bound to secure me compensation, particularly when it is borne in mind, that the Crown with whom I had treated, was, by the operation of these very changes, saved a large amount of registration.

Considering therefore, the urgency of the case, the outlay and heavy loss of official income to which my reliance on the faith of Government has subjected me, I confidently appeal to Your Excellency's sense of justice for speedy relief from a humiliating position, in which no Officer of the Crown should be placed, for a liquidation, in full, of my claims for the past, and security of income for the future.

Your Excellency will perceive, on reference to the memorandum submitted by me to Lord Sydenham, and on which the agreement was based, that the arrangement was one consequent on the Union. That it formed, in fact, a part of that great measure, enabling him to raise the salary of the Chairman of the Executive Council from £100 to £1,100 sterling, per annum, and to complete other arrangements, by which His Lordship proposed to carry out the scheme of the

new form of Government granted to Canada. The very nature of the position in which he was placed as the Representative of his Sovereign at that particular juncture rendered it absolutely necessary that he should be clothed with certain discretionary powers, of which the naming to office, and arrangement in regard to income consequent thereto, was one, and as in the exercise of these powers, a pledge, on the part of the Crown, was, by that nobleman, given to me, it matters not whether the Administration of the affairs of this Province are now vested in the Executive Council, as a Responsible Government, or in the Representative of the Crown, that pledge, I respectfully conceive is as binding on the Government of the day as any other arrangement or nomination by which any other public functionary now holds his office.

I have the honor to be,
Sir,
With great respect,
Your Excellency's
Most obedient humble servant,
G. H. RYLAND.

His Excellency

The Right Honorable
SIR CHARLES METCALFE, G.C.B.,
Governor General,
&c., &c., &c.

P. S.—I take the liberty of enclosing a list of the documents referred to the Council of which I respectfully solicit Your Excellency's perusal.

SECRETARY'S OFFICE, (EAST.)

KINGSTON, 7TH APRIL, 1843.

SIR,

I have the honor, by command of the Governor General, to acknowledge the receipt of your letter of the 29th ult., and to inform you in reply that His Excellency acknowledges* your claim to the fulfilment of Lord Sydenham's guarantee, but has no means at his disposal of performing its stipulations, and is advised that a reference to the Provincial Parliament would be unsuccessful. Nothing therefore is in his power but to keep your claim in view, and to consider it as occasions may arise for benefitting you consistently with the public interests.

I have the honor to be,
Sir,
Your most Obt. Servant,
(Signed) D. DALY,
Secretary.

G. H. RYLAND, ESQUIRE,
&c. &c. &c.

QUEBEC, 18TH APRIL, 1843.

SIR,

Having received a letter from the Provincial Secretary informing me that Your Excellency "acknowledges my claim to the fulfilment of Lord Sydenham's guarantee, but that you have no means at your disposal of performing its stipulations, and that you are advised that a reference to the Provincial Parliament would be unsuccessful." I am compelled, by a sense of duty to my family, to bring the matter under Your Excellency's further consideration, and I trust that Your Excellency will receive it as an excuse if not a justification for my addressing myself directly to Your Excellency, that my claim, as I view it, is one for the satisfactory adjustment of which I am not bound to look ultimately to any merely Provincial authority.

My object is to lay before Your Excellency several alternatives, any one of which I conceive that I am justified by the pledge given to me by Government, in expecting that the Government will adopt; I shall state and ask nothing but what appears to me to be plainly consistent with

* These are significant terms—not susceptible of two constructions.

and enjoined by those universal and unchangeable principles of rectitude and good faith, the obligation of which is I believe as binding upon a Government as between man and man, and I am sure that I shall need no excuse with Your Excellency of having sustained from Government an injury that brings me to the verge of ruin. I point out the mode of redress in the briefest, simplest and most forcible terms consistent with the respect I owe and feel towards Your Excellency.

I beg permission to premise a few observations upon an expression in the Provincial Secretary's letter, in which the guarantee given to me is described as being "Lord Sydenham's 'guarantee.'

I respectfully submit that Lord Sydenham acted in the matter as something more than the mere Administrator of Provincial Authority; that I had a right to look upon him as invested with extensive powers to carry through a great measure of the national Senate and Government, and that he acted as and was the Representative of the Sovereign whom I also served, that therefore, or even viewing him as merely a Provincial Governor, his public acts became binding on those who should succeed him in the exercise of those powers. That accordingly his two immediate Successors in the Administration have not only adopted but given effect to his acts in regard to me so far as was then necessary, or for the advantage of Government; and that now his guarantee cannot, I respectfully submit, be converted into a leonine contract, of which I shall bear the whole ruinous loss and the Government retain the whole advantage.

The Provincial Secretary's letter informs me that "Your Excellency is advised that a reference to the Provincial Parliament would be unsuccessful."

I respectfully urge that a party with whom an agreement is made and who has performed his part of it, has an indefensible right to require of the other party who enjoys the benefit agreed upon to make every exertion and exhaust every expedient to fulfil his obligation, whatever may be the seeming probabilities of success or failure. But if I might be permitted to appeal to principles sanctioned by Your Excellency's adoption, that human nature, the same everywhere will ultimately yield to justice and reason calmly enforced, and that even those who have been in the wrong will ultimately under that influence put themselves right, it ought not to be supposed beforehand that the Provincial Parliament not yet applied to on the subject will reject a claim founded in justice and reason, especially when the filling the vacancy created by the guarantee, of which I claim the fulfilment, has been one of the measures of that policy, the adoption of which, by Your Excellency's Predecessor, has called forth an expression of confidence and satisfaction from the Representatives of the People.

But should Your Excellency decline adopting this course to obtain the means of doing me justice, I then pray that my claim may be brought in all its circumstances before Her Majesty's Government, as one in which the faith, honour and justice of the Crown are principally concerned, and inseparably bound up to procure me redress in some way or other. Here again it does not concern me, to whom the guarantee given has been ineffectual, to consider the probabilities of success or to point out the way of redress; sufficient it is for me to know that the person who gave me the guarantee acted in that respect as the depositary of the authority of the Crown, that the stipulations entered into with me have not been fulfilled, and that his acts have not only not been repudiated by the Crown, but that the Crown now enjoys the benefit of the arrangement to which I consented when I was not compellable to do so.

And this leads me to the third alternative which it is in the power of Government to adopt in order to do that simple justice which the case admits.

Whether the guarantee given to me is or is not likely to be affirmed and executed by the Provincial Government, whether it was or was not originally binding upon the Provincial Government through all its changes, or on the Crown, it has been carried into effect to my detriment. The situation I vacated to give effect to the views of the Representative of the Crown has been filled up by the Crown; but it is still as much in the power and disposal of the Crown as the office of Commissioner of Crown Lands was in September last. Where an agreement of exchange is made and executed on one side but broken on the other, the party who has received benefit by it is bound, I humbly conceive, by every obligation of force among men to restore the thing he has received, if still in his power, with all the advantages that belonged to it when the exchange was agreed upon, whatever inconvenience or embarrassment it may cause him to do so, or whatever claims on the part of others it may bring upon him. If my case is one in which public justice, honour and good faith are concerned, these considerations will not be overborne by reasons of inconvenience or inexpediency: and here I crave leave to call Your Excellency's particular attention to the fact that when I claimed of the Government in July last the fulfilment of this guarantee the situation I had surrendered was still vacant and at the disposal of the Crown: that the adjustment of my claims, the justice of which was impliedly admitted, was

deferred till the end of the year, and that the filling up of the vacancy in the intermediate period must be taken as subject to and not as baring my right to restitution if my claim was not satisfied, and I would also solicit Your Excellency's consideration of the fact that when the Patent for the situation I now hold was first accepted by me under the temporary administration of Lieutenant-General Sir Richard Jackson, I expressly stipulated that on ceasing to hold it I should be allowed to return to that which I before filled.

See Circular
from Sir R. D.
Jackson and
Answer, Ap-
pendix A,
page 22.

But there is still a fourth alternative in the power of Government.

The office given to me in exchange for that I surrendered, and in lieu of and as a security for a retiring allowance of £515 a year, to which I was acknowledged to be entitled under the Act 4th and 5th Will. IV. Cap. 24, is not only of no advantage to me, but is involving me in increasing embarrassment every day that I hold it, so that I am incurring debt to pay its expenses, and am in the degrading situation of being sued in a Court of Justice for the current Rent of the building in which this Public Office is kept.

The Government declares its inability to redeem the guarantee under which I accepted the office or to give me redress.

Reserving my claim and right to a full indemnity for the actual loss I have sustained by the non-performance of the guarantee, as also for the loss of those advantages which I should still have reaped from the office, such as it was, if it had not been made worse by the Legislature after I accepted it but before it went fully into operation, I claim to be allowed at the end of the present year, when my engagement with the Officers of the Department will have expired, to surrender the office, rather than be involved in worse ruin, and to receive, until an opportunity occurs for placing me in a situation equivalent to that I originally gave up, a retiring allowance on the established Pension Fund, or otherwise to the amount to which, by Mr. Secretary Murdoch's letter of the 23rd August, 1841, I was declared to be entitled.

I trust that a grievous wrong having been done me I shall not be driven into the dilemma of suffering on the one hand daily increasing loss, of which no end can be seen by retaining the office after the period above specified, or of sacrificing or being considered to sacrifice on the other hand my claims on Government for an equivalent or redress by divesting myself of it.

I am indeed informed in the Provincial Secretary's letter that "my claim will be kept in view to be considered as occasions may arise for benefiting me consistently with the public interests." If this assurance has reference to my hereafter receiving other appointments, the arrangement might answer for the future, but there is no appointment in the gift of the Crown in this Province that could fully indemnify me for the sacrifice I have made, and the heavy losses I have already incurred and am still daily subjected to, besides the responsibility which will attach to me for years after I have left my present office, to say nothing of the disgraceful position in which I am now placed with a prosecution against me in the Court of King's Bench for Rent of the Building occupied as a Registry Office, and other expenses relative to that Department. But supposing that I could afford to wait and to continue making advances out of my private resources for the public use, and was content to receive, through other appointments in the public service, such an income as would in the process of years remunerate me for the past, Your Excellency will allow me most respectfully to suggest, that if a solemn pledge given to me at the important period of the granting a new Constitution to the Country, and with a view of perfecting that measure, is not to be considered and fulfilled as sacred, I do not see what greater security can be given, that a general promise of ultimate good such as that held forth in the Provincial Secretary's letter of the 7th instant would not be subject to the same casualties and difficulties which are now considered as preventing the fulfilment of the stipulation formerly made to me: for Your Excellency with the best possible intentions towards me, which I never will doubt, may be advised when an occasion for benefiting me occurs that it is not consistent with the public interests to do so, or before any such opportunity shall occur Your Excellency may have left the country or other unforeseen circumstances may intervene to render the fulfilment of your intentions impossible, and in the mean time loss after loss would be allowed to accumulate till inextricable ruin overtook me and my family.

I have only in conclusion to entreat Your Excellency's serious reconsideration of the case, as it stands not only in its general merits but as admitted and strengthened by Mr. Secretary Murdoch's letter of the 14th July, at which late date not only was the guarantee given to me recognized by the Government of Your Excellency's predecessor, but my claim for indemnity for non-fulfilment of it was entertained as fit to be considered at a future fixed time so soon as the contingency contemplated by the guarantee should have arisen, which period had passed when I laid my claim before Your Excellency.

His Excellency
The Right Honorable
SIR CHARLES METCALFE,
&c. &c. &c.

I have the honor to be, Sir,
With great respect,
Your Excellency's
Most obedient humble servant,
G. H. RYLAND.

*Extract of a Letter from Captain Bagot, Private Secretary to the Governor General,
dated Alwington House, Kingston, April 20th, 1843.*

MY DEAR SIR,

I beg to acknowledge the receipt of your letter of the 13th instant, which I only did yesterday, since which time I have brought the subject and wish contained in your letter before Sir Charles Bagot, and who has given it his best consideration. He desires me to say, that with every possible wish to be of service to you, he does not think he can or would it be proper for him in his present position, to interfere in your case with the Home Government. He FULLY admitted your claim when it came before him, and admitted the hardship of your position, and it has afforded him much pleasure the knowing that Sir Charles Metcalfe entertains the same views, whom he feels satisfied will deal with it *in the most favorable way towards yourself whenever it is in his power.*

I know Daly is about to write to you either to-day or to-morrow, and to whom Sir Charles talked much to about yourself.

Believe me, &c.,
(Signed)

F. BAGOT.

G. H. RYLAND, ESQUIRE,
Quebec.

S E C R E T A R Y ' S O F F I C E , (E A S T .)

KINGSTON, 1ST MAY, 1843.

SIR,

I have the honor, by command of the Governor General, to acknowledge the receipt of your communications of the 18th and 20th ult., and to inform you in reply that His Excellency regrets it is not at present in his power to remedy the hardship of your case, and that he does not see any hope of success in a reference either to the Local Legislature or to the Imperial Parliament.

I have the honor to be,

Sir,

Your most Obt. Servant,

D. DALY,
Secretary.

G. H. RYLAND, ESQUIRE,
&c. &c. &c.

M O U N T L I L A C ,

26TH AUGUST, 1843.

SIR,

With reference to the conversation I had the honor of having with His Excellency the Governor General yesterday, during which he expressed his willingness to entertain any suggestion I might offer by which I could be relieved from the unparalleled cruel position in which I am placed by the inability of the Government to meet its engagements; I beg respectfully to point to the Pension List as still affording ample means of providing for me for the future, under the scale established by the 4th and 5th Will. IV. In regard to my claims for the past I shall take advantage of His Excellency's offer to forward a representation on the subject to the Secretary of State, confident that the Imperial Government will never countenance the monstrous doctrine that Public Services are to be requited with ruin and disgrace to the Individual rendering them, or that engagements entered into on the part of the Crown under one administration can justly be repudiated by a succeeding one after the Government have derived the whole benefit of the arrangement.

I have the honor to be,

Sir,

Yours, &c.

G. H. RYLAND.

J. HIGGINSON, ESQUIRE,
Private Secretary.

To the Right Honorable Lord Stanley, Her Majesty's Secretary of State for the Colonies, &c., &c., &c.

THE MEMORIAL OF G. H. RYLAND, ESQ., REGISTRAR OF THE DISTRICT OF QUEBEC,

RESPECTFULLY SHEWETH,

That at the period of the Union of the Provinces of Upper and Lower Canada, your Memorialist held the Patent appointment of Registrar and Clerk of the Executive Council expressly conferred on him by his Sovereign in reward of public services, and of which it was the desire of the then Secretary of State, Lord John Russell, that your Memorialist should remain in undisturbed possession.

That the late Governor General however in those exercise of those necessary discretionary powers with which he was vested at the important moment of putting into operation the new Constitution granted to the Canadas, having determined to make certain alterations in the Council Office, by which the responsibility as well as the duty hitherto performed by the Clerk should fall on the Chairmain, whose Salary was at the same time to be raised from £100 to £100 per annum, pointed out to your Memorialist how much it would interfere with his plans if he persisted in retaining the office of Clerk of the Council, and offered him at the same time in lieu thereof the Registrarship of Quebec under the law for the enregistration of deeds then lately passed by the Special Council.

That your Memorialist trusting implicitly to the faith of the British Government pledged by the Representative of Her Majesty, and anxious at all times to promote the public measures of the Crown, consented to this proposal under certain conditions which were submitted in writing and approved of by the Governor General, and a formal engagement was then entered into between the Representative of the Sovereign and your Memorialist, by which the latter agreed to give up on public grounds a lucrative Patent appointment, involving no pecuniary responsibility, the Salary of which was quarterly paid, and of which he could not otherwise have been deprived, in exchange for his present appointment, entailing fearful responsibility which will attach to your Memorialist's family for years after his death, on receiving a guarantee of certain pecuniary advantages derivable under the Ordinance relative to the Registration as it then stood, together with a clear annual income equal to the amount of Pension, on which your Memorialist was from his length of services entitled to retire under the Imperial Act 4th & 5th Will. IV, and further your Memorialist in his official acceptance of the Registrarship of Quebec, dated 3rd September, 1841, expressly stipulated that in case the income derivable therefrom should not equal that he enjoyed from the Council office, the annual amount guaranteed should not be considered as an equivalent for the loss of that office or for his claims on Government.

That immediately after the conclusion of this arrangement your Memorialist proceeded by command of the Governor General to Quebec for the purpose of organizing an efficient establishment to carry out the provisions of the Registry Ordinance which was to be put in force on the 1st of October following. The sudden death of Lord Sydenham however caused a delay in this particular, and the law was not promulgated till the close of the year, when in answer to a Circular addressed to your Memorialist by order of the Administrator of the Government Sir Richard Jackson, your Memorialist again referred to the conditions under which he had consented to his exchange of office, stipulating that under certain contingencies he should return to the one he had left.

That after your Memorialist had held the Registrarship of Quebec upwards of six months during which he had made heavy advances out of his private means towards carrying on this Public Department, finding that in consequence of the evil example set by those public officers whose duty it was to enregister on the part of the Crown, and who had totally neglected to do so, the people generally held back from a compliance with the law, (equally binding on the Government and themselves) your Memorialist applied to the then Governor General Sir Charles Bagot, for an accountable Warrant to enable him to meet the current expenses of the office. This request His Excellency declined complying with, though the guarantee given to your Memorialist by Lord Sydenham was at the same time fully recognized by His Excellency, and your

Memorialist's claim for indemnity for non fulfilment entertained as fit to be considered at a future fixed period so soon as the contingency contemplated by the guarantee should have arisen.

That immediately before the arrival of that period, however, at the next meeting of the Legislature, a Bill was introduced into the Assembly repealing the clauses in the Registry Ordinance from which your Memorialist's principal source of remuneration would have arisen, whilst at the same time the new Bill itself amending the old one, and professedly affecting the interests of every landed Proprietor in the Country, was rendered inoperative by a declaration in the House on the part of the Organ of the Executive. (The Provincial Secretary West, when the Bill was going through the third reading, preparatory to receiving the Royal Sanction,) that it was the intention of the Executive at the next Session entirely to new model the Bill, which declaration coming from such a quarter had the natural effect of rendering the people distrustful of all Legislative enactments whatsoever.

That towards the close of the Session, and after the virtual destruction of the Registry Bill, the Clerkship of the Council which had been kept open from the time your Memorialist resigned, it was filled up, thereby foreclosing your Memorialist's return to it.

That after the expiration of the period originally limited for the enregistration of old Deeds, your Memorialist proceeded to Kingston for the purpose of obtaining an adjustment of his claims, which, as will appear by a letter from Sir Charles Bagot's Private Secretary, were fully admitted by His Excellency, though his ill health prevented a final decision being then had, and the matter was left over to be settled by His Excellency the present Governor General, to whom shortly after his arrival in Canada your Memorialist (who was then reduced to a state of great pecuniary embarrassment by the nonfulfilment of the arrangement entered into with Lord Sydenham) addressed two Letters dated 29th March and 15th April, to which he respectfully refers your Lordship as containing several alternatives, any one of which, he conceived, he was, by the pledge given to him by Government, justified in expecting that the Government would adopt.

The official answers however forwarded to your Memorialist by command of the Governor General, though fully recognizing his claim to remuneration, and admitting the hardship of his case as well as his right to the fulfilment of the arrangement entered into with Lord Sydenham, lament the inability of His Excellency to afford your Memorialist relief, or to oblige his advisers to go before the House with a case founded in justice and reason, which in private life would be considered binding between man and man, and in the settlement of which the faith and honour of the British Crown are at stake.

That your Memorialist in consequence after a period of twenty six years of public service, with young family entirely dependent on him for support, finds himself reduced by the grevous injury he has received to the verge of absolute ruin with daily encreasing debt and embarrassment pressing on him, having already in his reliance on the faith of Government mortgaged property inherited from his Parents to the amount of upwards of £3,000, entailing on your Memorialist's Estate an annual interest of £200, and obliged in consequence of the heavy securities exacted from him by government to make still further advances out of his private means to carry on Public Department, the receipts of which are inadequate to its expenses.

Under these extraordinary circumstances, as the Governor General of the Canada and the Representative of Her Majesty appears to be without Executive power or authority to redress a public wrong or relieve a private grievance, your Memorialist confidently appeals to your Lordship and Her Majesty's Ministers to afford him that simple justice which his case demands, and he respectfully begs leave to refer your Lordship to a case in point as affording a precedent authorizing an application through the Lords of the Treasury to the Imperial Parliament for the means of liquidating the just claim of your Memorialist. It is the case of Sir Lionel Smith who succeeded the Marquis of Sligo in the Government of Jamaica, a statement of which will be found in a Letter from Mr. Under Secretary Stephen accompanying the estimates published by order of the House of Commons in 1841. The only material difference in the two cases is that the promise made to Sir Lionel Smith was a verbal one, in order induce him to accept an office for which he gave up nothing, whereas the arrangement entered into between Lord Sydenham and your Memorialist was a written one, the latter in order to facilitate a great public measure of the National Senate giving up a Patent appointment of £1030 per annum, of which by Lord Sydenham's admission he could not without his consent have been deprived.

Your Memorialist in conclusion and in order more fully to exhibit the extreme injustice under which he labours, begs respectfully to point (among others that he could name, to the case of Mr. Brewer, who held no Commission, but was sworn in as Assistant Clerk of the Council under the nomination of your Memorialist in October, 1838.) This Gentleman's Salary, was in

February, 1841, raised from £180 to £200 Stg. per annum, and at the same period that your Memorialist consented to the exchange of office, Mr. Brewer was allowed to retire upon a Pension of half his augmented Salary, though he had only served in a subordinate capacity for a period little more than two years, and his name is borne on the Pension list of the Country for this amount, whilst your Memorialist who acted as Assistant Clerk and Clerk of the Council for twenty four years, conducting the Department during a great part of the time, and through the most eventful period in the history of this Country, to the satisfaction of every Governor under whom he served, receives only vague promises of future benefit.

Trusting that your Lordship will take measures to afford your Memorialist ample remuneration for the past and security of income for the future.

Your Memorialist, &c.

G. H. RYLAND.

The Right Hon. The LORD STANLEY,
Secretary of State for the Colonies.
&c., &c., &c.

CIVIL SECRETARY'S OFFICE,

KINGSTON, 30TH JANUARY, 1844.

SIR,

The Governor General having transmitted to the Secretary of State your Memorial with the several documents annexed to it, claiming the fulfilment of the pledge given to you by the late Lord Sydenham, when you relinquished the Office of Clerk of the Executive Council of Lower Canada, that the income of your present Office should be equal to the amount of the pension (£515 currency,) to which you were considered entitled for your services in the Council Office, is instructed to convey to you the following remarks :

Lord Stanley gathers from the papers submitted to his consideration, that you assumed, and Lord Sydenham admitted, that you could not be deprived of the Office of Clerk of the Executive Council of Lower Canada, without your own consent or adequate compensation. The understanding thus subsisting was not, however, founded on an accurate view of the fact. In the first place, the Commission granted to Mr. Ryland by Lord Sydenham, and the Royal Mandamus subsequently issued, conferred that Office upon Mr. Ryland during Her Majesty's pleasure only. In the next place, the Office itself ceased and determined on the Union of the Provinces; but, above all, his loss of the Office was anticipated as a consequence of the Union, when the Secretary of State confirmed Mr. Ryland's nomination to it. Despatch No. 53 of 3rd July, 1839, from the Marquess of Normanby, to Lord Seaton, contains an instruction that Mr. Ryland should be apprized that if upon the Union, "it should be found impossible to continue his services, he would not be entitled to any retiring allowance on account of his present appointment." This intimation appears, by Lord Seaton's reply, to have been made to that Gentleman accordingly.

It would thus therefore appear that Lord Sydenham's pledge was given in ignorance of the full circumstances of the case, which moreover apparently must have been known to Mr. Ryland, and in any event before Her Majesty's Government, could be called upon to fulfil that engagement (to which however not having been reported, they were no parties,) Mr. Ryland is bound to shew either that the condition imposed by Lord Normanby, was subsequently withdrawn by the same authority, or to explain satisfactory the reason of his withholding from Lord Sydenham, the real terms on which he received the Office of Clerk of the Executive Council of Lower Canada; and until this point is cleared up, Lord Stanley must reserve the expression of any opinion upon his case.

His Lordship perceives that Mr. Ryland claimed a pension under the Imperial Superannuation Act; it may be useful to take this opportunity of observing that this Act applies only to certain classes of Public Officers in the United Kingdom, although of late years it has occasionally been adopted as a guide in fixing Pensions for Colonial Servants.

I Have the honor to be,

Sir,

Your Most obedient humble Servant,

J. M. HIGGINSON.

(Signed)

G. H. RYLAND Esq.

&c. &c. &c.

Quebec.

QUEBEC, 9th FEBRUARY, 1844.

SIR,

I have had the honour of receiving your Letter of the 30th ultimo, communicating to me by the direction of His Excellency the Governor General, the observations of Her Majesty's Secretary of State, on my Memorial and claim for indemnity and for a fulfilment of the engagement entered into with me by Lord Sydenham. My Lord Stanley observes that before Her Majesty's Government can be called upon to fulfil that engagement, I am bound to do one of two things, either to shew that the condition imposed by Lord Normanby's Despatch, No 53, 3rd July, 1839, (namely, that I should have no claim to Pension if in the event of a Union of the Provinces my services could not be continued,) has been withdrawn by the same authority,—or I must explain satisfactorily the reason of my withholding from Lord Sydenham, the real terms prescribed by this Despatch, on which I held the Office of Clerk of the Executive Council. I trust I shall be able to satisfy his Lordship on one at least if not both of these points, one of which he considers it to be necessary for me to establish before Her Majesty's Government can be called upon to fulfil the engagement entered into with me. I trust that I can show that I did not receive the appointment in question upon the terms of Lord Normanby's Despatch—that I did not withhold from Lord Sydenham a knowledge of that Despatch, that Lord Sydenham had it more than once before him; that he knowingly and advisedly with a full knowledge of the circumstances of my case, and upon the opinion of the then Secretary of State expressed to him respecting it, entered into the engagement of which I claim the fulfilment—and finally that my situation and claims were not and are not those of a person newly appointed to an office, likely soon to become vacant and to which such a stipulation as that in Lord Normanby's Despatch could properly apply, but those of a person long before in the Public employment and receiving an appointment in reward of his father's public services and his own.

The first point and the last being nearly connected, I shall direct my observations to them together.

I received my appointment as Clerk of the Executive Council not from Lord Seaton or Lord Sydenham, but from Lord Durham, under the following circumstances.

So far back as 1832, my father the late Clerk of the Executive Council of Lower Canada, applied to be allowed to retire from the Council Office in my favour.

This application was again renewed in 1836, and agreed to, by the Secretary of State, subject to the approval of the then Governor-in-Chief Lord Gosford, who in his answering Despatch, dated 9th August, 1836 "fully admitted the claims of both Father and Son to the favourable consideration of His Majesty's Government, on account of their Public Services," and objected to the manner only of rewarding them simply because he was averse to hereditary succession to office." The subject was nevertheless left open till the arrival of Lord Durham, to whom the final settlement of the question was submitted. His Lordship through his Secretary, Mr. Charles Buller, proposed, as I can prove by documents in my possession, that in lieu of the Council Office I should have the appointment of Receiver General, then hourly expected to become vacant by the death of the Incumbent Mr. Hale, a method of discharging my claims which he considered as less liable to objection than the other. The sudden death of my father however previous to that of Mr. Hale, and his Lordship's subsequent determination to relinquish the Government, induced him at once, in order to secure my rights, to issue a Commission under the Great Seal conferring on me the unconditional appointment of Clerk of the Executive Council of Lower Canada, and confirming me in all the rights and emoluments of the office vested in my predecessor, and Lord Durham at the same time desired me in case I should ^{See Commission, Appendix A, page 20.} prefer the Receiver Generalship which he had intended for me, to apply to him on its becoming vacant (which it shortly afterwards did) when his whole interest should be used to obtain my translation to it.

The office therefore was given to me precisely on the same terms and in the manner in which offices in the Colonies or in England are commonly held—determinable indeed at Her Majesty's pleasure, but according to invariable usage to be held during good behaviour; and I may here observe that the office was and is one of a merely ministerial nature, and carrying with it no political weight or influence.

That my appointment was not notified by Lord Durham to the Secretary of State was owing either to his sudden departure from Canada or to his not considering it an office of such a description as required Her Majesty's confirmation. But to the want of that notification Lord Normanby's subsequent Despatch owes its origin.

Happening in the Spring of 1839, to see in the London Gazette, a notification of Her Majesty's confirmation of two appointments made by Lord Durham not long before my own

(those of the present Chief Justice Sir J. Stuart, and of his brother the late Solicitor General), I complained through Lord Seaton that mine had not been noticed from no other motive than a fear that the difference in the mode of proceeding might infer a difference in the stability of my situation. It was with natural surprise that in August following, I received from Lord Seaton communication of Lord Normanby's Despatch,* referred to by Lord Stanley, as the answer to my complaint—by which it appeared to me that it was attempted to change the tenure of a situation I had already held for several months as an absolute appointment.

I am here obliged to refer to facts for which I can only pledge my own veracity. But I owe it to myself to state that in a personal interview with Lord Seaton, at which Mr. Attorney General Ogden was present, when I expressed my intention of remonstrating to the Secretary of State against the construction put by Lord Normanby on the terms of my appointment, Lord Seaton discouraged the proceeding on the ground (which was confirmed by Mr. Ogden's view of the case) that Lord Normanby's Despatch was founded on a mistake as to my position and rights; and that I might make myself perfectly easy as to its effect. I actually drew up however and sent to Lord Seaton a memorial of remonstrance to the Secretary of State but was advised again to withdraw it; and that I did so under the impression so given to me, that the Despatch could not affect me as certain from the Letter I received on the subject from Lord Seaton's private Secretary (Col. Goldie) and the answer, I sent to it the draft of which I have fortunately preserved, but of which being in the tone of familiarity belonging to private friendship, I cannot give a full copy. In that answer I begin by stating "as you agree with Sir John that it is unnecessary to remonstrate, and that Lord Normanby's Despatch cannot by any possibility be brought to bear against me, you may destroy my official communication," &c., &c., and in the conclusion I added, "I have already consulted the two persons you mention (one of whom was the Attorney General Ogden) but they too are both of opinion that the Despatch must be considered as a dead letter." (Vide Col. Goldie's Letter in appendix hereunto annexed.)

I afterwards applied through Lord Seaton to have the Mandamus which had been issued by the orders of Lord Normanby, for granting me a Provincial Commission under the Great Seal antitated to the period when I had actually been commissioned in the Province; my object in this application being to secure my seniority in the event of a Union taking place and the Office of Clerk of the Executive Council then vacant in Upper Canada being filled up.

The answer to this application was conveyed in a Letter from Lord Sydenham's (then Mr. Poulett Thompson's) Secretary Mr. Murdoch, dated 20th October, 1839, a few days only after His Excellency's arrival, by which I was informed that His Excellency had received a Despatch from the Secretary of State Lord John Russell, to the effect that my Mandamus had been issued to my Agent in England, before the arrival in England of Sir John Colborne's Despatch on the subject. I particularly refer to this letter here, because it appears to me to afford conclusive proof that Lord Sydenham must then have been made aware by the Secretary of State of the previous correspondence, and all the circumstances connected with my appointment and must consequently from the first have had a knowledge of Lord Normanby's Despatch of the 3rd of July preceding.

Upon this latter point (one most deeply affecting my feelings and character in consequence of the view of it intimated by Lord Stanley, I must first observe that even if the character which I trust I have established in the public service should not have protected me from the imputation of having entrapped Lord Sydenham into the arrangement he made with me in 1841, by withholding from him the knowledge of Lord Normanby's Despatch, there were circumstances which rendered such an attempt at concealment so hopeless that nothing but infatuation could have led me to make it: I was perfectly aware of Lord Sydenham's unfavourable disposition towards me, and that I could expect nothing from him but a strict and searching examination of any claim I should put forward; any attempt at a concealment of facts recorded in his own Despatch book must have been followed by immediate detection and disgrace, and his own Secretary Mr. Murdoch, who had been in the Colonial Office during the whole previous correspondence, when Lord Normanby's Despatch was written, and perhaps transcribed it himself, and to whom every step of my negotiation with Lord Sydenham for retiring from the office was fully known, was at hand to guard Lord Sydenham and to aid in the detection.

Not long before the arrangement in question was made with me by his Lordship, I had occasion to bring before him through Mr. Secretary Harrison, a question relating to fees of office which I claimed in Upper Canada as Clerk of the Council;* the Union had then been in force some months, and I continued sole Clerk of the new Council under my old Commission and founded my claim to the fees in question upon the terms of that Commission and of my Mandamus. These documents were laid before Lord Sydenham, whose attention was also called to the Despatches relating to my appointment; notwithstanding an unfavourable opinion which Lord Sydenham had intimated when this claim was first brought before him, (see his observations at

* See Appendix A, pages 21 and 22.

* It must be borne in mind that this Despatch intending to have a retrospective effect, was written nine months after the unconditional appointment of Mr. Ryland by Commission under the Great Seal.

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the foot of my letter, dated 11th June, 1841,) he was convinced upon a closer investigation that I had right on my side, granted me money compensation for the fees in question which I consented to waive, and afterwards explicitly told me that he considered the Letters Patent I held as not to be interfered with, unless on the ground of personal misconduct on my part.

But it may be asked how could Lord Sydenham hold this opinion with Lord Normanby's Despatch before him. Because he must, as Lord Seaton had done before him, have considered that Despatch as founded on a misconception of my actual position and as not applying to an office already filled up by competent authority and held by me for several months before that Despatch was written; and because he had received a subsequent communication from Lord John Russell intimating his desire that I should not be disturbed in the possession of my office.

It is true that the Letter I now refer to being private is not on record in the Despatch book, but it is equally true that Lord Sydenham received it, and as he intimated to me himself, considered it and acted upon it as an authority. This Letter in Lord John Russell's hand writing was shown to me by Lord Sydenham's Chief Secretary Mr. Murdoch, as it was also to the present Provincial Secretary, was perused by me, and I have such a recollection of its contents that I can distinctly say they were to the purport I have described. I am satisfied that Mr. Murdoch can also bear testimony to its existence and purport and to the view that Lord Sydenham took of it, and will remember that the letter was called forth by the particular and perhaps too zealous interference of some of my friends in England to secure Lord John Russell's protection to my interests. I may add that this Letter was openly referred to by me in my written communications with Lord Sydenham as strengthening my right to an adequate Pension or compensation if I retired from office.

I trust that in the circumstances I have detailed Lord Stanley will find, if not strict evidence, grounds of moral certainty that Lord Sydenham had a knowledge of every circumstance connected with my tenure of office, that I at least withheld nothing from him in the way of concealment, that he made the arrangement for my retirement on Pension advisedly, and after being satisfied that I had a right to it, and that it is now binding on Government.

That arrangement was not reported by him to Her Majesty's Government should not I respectfully submit be now turned to my disadvantage as it was probably owing to Lord Sydenham's accident and premature death in less than a month afterwards; but if I am not mistaking he had previously received Lord John Russell's approval of the changes he proposed to make in the Executive Council Department.

I must in conclusion briefly advert to that part of Lord Stanley's observations which relates to the amount of Pension promised to me. But I not only claim the Pension but remuneration for the loss of my former income of £1030 per annum, for the advances I have made and the ruinous pecuniary losses I have suffered in consequence of the non fulfilment of the engagement entered into with me by Lord Sydenham on my retiring from office, and accepting another Office which he held out as an equivalent but which by subsequent Acts of Government has been the means of bringing me to the verge of ruin.

I have the honor to be,
Sir,
Your most obedient servant,
G. H. RYLAND,

(Copy.)
No. 193.

SIR,

DOWNING STREET,
31st March, 1844.

I have received your Despatch No. 197 of the 16th February, transmitting the copy of a letter from Mr. G. H. Ryland, in which he supplies the explanation called for by my Despatch of the 28th December last,* relative to the circumstances under which the late Lord Sydenham guaranteed to Mr. Ryland an income, as Registrar of the District of Quebec, equal to the amount of the Pension (£515 currency) which he claimed for his services as Clerk of the Executive Council of Lower Canada.

It is clear from the information afforded to me, that Lord Sydenham was fully aware of the condition attached by H. M. Government to the promotion of Mr. Ryland to the office of Clerk

* Here is an admission which should have been followed up by an immediate liquidation of the debt, but my Lord Stanley, it will be perceived, breaks new ground and starts a fresh objection.

of the Executive Council of Lower Canada, but that His Lordship thought proper to disregard it, and entered into an engagement with Mr. Ryland, which involved a violation of the Instructions of the Secretary of State. It is of course impossible for me to sanction any claim, as of right, founded on the fact of any persons, whoever they might be, taking on themselves to set aside, without even reporting the fact, the official Instructions of H. M. Government. The utmost that Mr. Ryland could expect, under Lord Normanby's Despatch of the 3d July, 1839, was either to be provided with another suitable office, or to be granted a Pension computed upon his emoluments as Assistant Clerk of the Executive Council.

Mr. Ryland did receive another appointment, but the Income arising from it has not proved sufficient for his legitimate expectations.* I am therefore of opinion that he might, with propriety, be assigned, from the Fund of £5000 a year reserved to the Crown by the Reunion Act for Pensions, an allowance proportioned to his Income as Assistant Clerk, until it should be in the power of the Provincial Government to provide him with a more lucrative office than his present one; and, if the Pension Fund admit of it, I think that the allowance should be issued from the date at which he ceased to draw Salary as Clerk of the Executive Council.

I have, &c.

(Signed)

STANLEY.

Right Honorable
SIR CHARLES METCALFE, BT.
&c. &c. &c.

QUEBEC, 14TH MAY, 1844.

SIR,

I am confident that under the peculiar circumstances of my case you will excuse my again addressing myself direct to Your Excellency, in answer to Lord Stanley's Despatch of the 31st of March last, relative to my claims against Government.

I feel convinced that Her Majesty's Secretary of State, in calling upon me for the explanations furnished through Your Excellency in February last, and which His Lordship allows to have been, as far as I am concerned, perfectly satisfactory, could not have had any intention of evading the payment of a just and acknowledged debt by fixing on me the imputation of having deceived Lord Sydenham or of repudiating on that ground the engagements of the Representative of the Sovereign, whose premature death prevented the possibility of explaining his public acts. But I can only account for the view His Lordship has taken of the subject by the presumption that a pressure of public business consequent on the sitting of Parliament at the time has been the cause of his overlooking some most material points in the case and of his thus adopting a conclusion to which on more mature reflection he would not have arrived.

Under these circumstances I am sure Your Excellency will not object to bring the case again before His Lordship, with a view, first to its being reconsidered and his decision revised by himself; or (in the event of His Lordship still viewing it in the same manner,) to its being submitted to Her Majesty's Privy Council as involving not only individual rights and the good faith of the Crown, but embracing a vital principle of Government seriously affecting the position of Her Majesty's Representative in this Province.

I shall now, with Your Excellency's permission, briefly take up and answer the grounds on which Lord Stanley has arrived at the conclusion communicated to me.

By His Lordship's Despatch it appears that I am acquitted of having acted throughout the whole of the proceeding in any other than an honorable and upright manner, that I concealed nothing from Lord Sydenham, and that that Nobleman was perfectly acquainted with every circumstance connected with my appointment to office, but according to the Secretary of State's fresh objection and view of the matter, the late Governor General in entering into the arrangement he made with me, violated some implied instruction the reasons for which not having been communicated to the Colonial Office, the head of that Department cannot sanction the proceeding.

I trust it will appear to my Lord Stanley on a more deliberate and searching view of the case, that even if the Despatch of Lord Normanby were not to be viewed as written under a misconception, and therefore as not applying to my case, there has in fact been no violation of it. But there is an important preliminary consideration on which I may be permitted to dwell. Even

* This passage is worthy of particular attention as being in direct contradiction to the whole of Lord Stanley's previous argument. Mr. Ryland's legitimate expectations are here fully acknowledged.

supposing that this merely formal objection were well founded and that Lord Sydenham by one of the last acts of his government which he did not survive to report or to explain, had violated an instruction conveyed to him by the Secretary of State, justice forbids that for such an error on his part an innocent party who has surrendered advantages he was entitled to retain and has trusted to an arrangement made, and a pledge given by the Representative of his Sovereign whom he had reason to believe to be vested with sufficient authority for the purpose, should at a subsequent period be visited with ruin on account of a fact which he was not bound to know and had no right or power to enquire into or to ascertain ; Lord Sydenham came to Canada to carry through a great national measure ; and was not only generally understood to hold plenary powers to make all executive arrangements necessary for carrying that measure into full effect, but the arrangements which he did make for that purpose under such general and discretionary authority have all been maintained and stand good except that which he made with me ; and even that arrangement has been acknowledged, ratified and acted upon by Sir Charles Bagot and Your Excellency as far as it was beneficial to Government which enjoys the advantage of it, but it is now repudiated as far as it was intended to be beneficial to me.

I would here observe that even if Lord Sydenham had been administering the Government See Appendix A, page 19. under ordinary circumstances, and without the peculiar trust and power which he certainly was allowed to exercise, the arrangements he made with me could not be set aside without seriously impairing the respect and confidence which ought to be placed in the public acts of the Representative of the Sovereign ; for if an agreement made by a Governor with a Public Officer for his retirement is liable to be cancelled three years after it has been carried into effect on his part (perhaps to his utter ruin as in my case,) upon the ground of some constructive departure from unknown instructions, there is an end to all reliance on the acts or promises of a Governor unless he produces the special authority of the Secretary of State for every arrangement of this description which he makes, and his position will be reduced even to a lower level than that on which it has been lately attempted to place Your Excellency in the exercise of the Prerogative of the Crown.

But in point of fact Lord Normanby's letter was written under a misconception of the circumstances of my appointment and was on that ground considered both by Lord Sydenham and his predecessor, who received it, as not applicable to my case ; I received the appointment of Clerk of the Council from Lord Durham, in lieu of other provision which had been proposed to me ; I received it in the ordinary course of official promotion not only for my own past services of twenty two years in the second situation in the Department, but also with express reference to my father's longer services of fifty-nine years in that and various other confidential situations ; I received it therefore with no defeasible title, but absolutely and unconditionally, and without reference to the measure of the re-union of the Provinces, which was not even recommended or proposed when Lord Durham appointed me. The effect therefore of Lord Normanby's Despatch, if effect had been given to it, would have been to alter the tenure of the office several months after it had been bestowed on me, by annexing a condition which was not even imagined when I received it.

But giving it its fullest effect it will be found that Lord Sydenham did not violate the instruction it conveyed. It intimated that if it were found impossible in the event of the Union taking place to continue me as Clerk of the Council, I was not to be considered as entitled to pension or compensation. But that impossibility was not found and cannot be alleged to have ever existed, on the contrary I held the Office of Clerk of the Council, doing the duty of the whole Department for both sections of the Province for several months. The arrangement made with me by Lord Sydenham was based on the admission that I might have continued to hold the Office, and he was the person who was to judge of the possibility or impossibility of my services being continued ; but this point does not rest on his admission alone, for I have shewn in my former letter to Your Excellency of the 9th February last, that the then Secretary for the Colonies, Lord John Russell, by a Letter to Lord Sydenham, the existence of which I have proved beyond a doubt, declared that I was to be continued in the office I held. I will not for a moment admit the supposition that I shall be met by another formal objection, that it was not competent to Lord John Russell by a private letter, such as that to which I refer, appears to have been, to cancel the effect of a public Despatch such as that of Lord Normanby, but I adduce it as a further and conclusive proof that the impossibility of continuing my services after the Union, which was the sole condition on which even under Lord Normanby's Despatch my right of preserving the Office could be defeated, did not exist in the judgment either of Her Majesty's Representative here or of the Secretary of State for the Colonies ; and therefore that Lord Sydenham did not violate either the letter or spirit of that Despatch when he made an arrangement with me for compensation for the surrender of the Office in question. It cannot indeed be pretended that any impossibility of my continuing in the Office could have existed, either in reference to my fitness for it or to any grounds of public expediency, when it is considered that the Office was not filled up till 18-38, Appendix A, page 19.

See extract
from Minutes
of Council
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duties of it were done by a head Clerk during that period ; and that it was ultimately conferred on a person who never had held any public situation higher than that of a Clerk of the House of Assembly.

But I respectfully contend, that if Lord Sydenham's arrangement with me is to be set aside because he violated instructions, it must be set aside altogether; it cannot be good in part and bad in part; it would be contrary to the plainest principles of justice that the Government should affirm it as far as it was advantageous to itself, and disaffirm it as far as it conferred advantage on me; I should then have a right upon the same principles to be replaced precisely in the situation in which I was when Lord Sydenham made the offer to me which the Government now proposes to repudiate. I ought to be restored to the situation of Clerk of the Council ; and I should then be entitled to claim the same consideration and the same advantages as were extended to other Officers of my own standing and rank when the union took place ; some of whom received appointments of equal or even greater value, and others liberal retiring pensions.

Lord Stanley has intimated an opinion that at the utmost, I should only be entitled to a pension as for the situation of Assistant Clerk of the Council.

The measure of favour which His Lordship would thus give me, would place me in a worse situation than the person who succeeded me as Assistant Clerk, yet holding no Commission and who after having held the situation less than three years and after obtaining an increase of salary only in February preceding his retirement was allowed by Lord Sydenham to retire upon a pension of one half of his augmented salary.

I earnestly, however, contend, that to limit me to such a rate of pension as my Lord Stanley mentions would be crowning the injustice of refusing to abide by Lord Sydenham's arrangement with me ; I respectfully urge that having in consequence of my father's great age and infirmities, conducted the whole business of the Department for some years before his death—having been appointed to succeed him, not only in the ordinary course of official promotion, but from regard had to his long and faithful services as well as to my own, and having, as I have already urged been appointed absolutely and unconditionally by a Governor who had full powers to make the appointment, I was entitled to a retiring allowance calculated upon the emoluments of the Office so conferred upon me.

In conclusion, as my Lord Stanley has admitted that the Office to which I have been transferred, has not realized "the legitimate expectations I had a right to entertain from the agreement with Lord Sydenham," I trust that his His Lordship will not refuse to reconsider the case in the views I have attempted now to give of it; but should the result of such revision still be unfavourable to me, I would then respectfully pray that my claim upon the justice and good faith of Government as pledged to me by Lord Sydenham may be brought before Her Majesty in Her Privy Council ; and notwithstanding the delays and difficulties that have arisen in the adjustment of those claims, I will not abandon the hope that they will be at last admitted ; and that under Your Excellency's wise and upright administration, my case may be an example that the rights of the Subject will be fully protected, and the honor of the Crown maintained.

I have the honor to be, Sir, with great respect,
Your Excellency's most obedient humble servant,

G. H. RYLAND.

His Excellency the Right Honorable
SIR CHARLES METCALFE,
Governor General, &c. &c. &c.

MOUNT LILAC,
QUEBEC, 18TH MAY, 1844.

SIR,

I have to request you will lay before His Excellency the Governor General in connexion with my letter to him of the 15th Instant, the enclosed copy of a letter written to me by order of Sir Richard Jackson on the 8th of January, 1842, which fully proves if further proof is requisite, how utterly inapplicable Lord Normanby's Despatch was to my case, and as my Lord Stanley grounds his objection to the full liquidation of my claims solely on the implied instruction conveyed in this Despatch relative to the possibility of continuing my services in the event of a Union, this letter will I think convince his Lordship that so far from an impossibility existing, I was not only treated with, and considered as but actually was Clerk of the Council of the United Provinces up to the period when the Registry Ordinance was put into operation and entitled

to, and received not only Salary but compensation for fees (under a previous arrangement entered into with Lord Sydenham some months after the Union of the Provinces by which I consented to waive my right to exact, those emoluments of office from residents of that portion of the United Province which before constituted Upper Canada.

Lord Sydenham's arrangements with me it will be seen both as regarded fees and Salary were fully recognized and acted upon by his successor as settled and confirmed transactions; and any attempt at this late period to repudiate these acts or to refuse the payment of my just claims arising out of them, after the explanations required by the Secretary of State and which it is admitted have been satisfactorily given would I again most respectfully urge, tend to destroy all confidence in the acts of the Representative of the Sovereign, and at the same time be at variance with the acknowledged justice of the British Government.

I have the honour to be,

Sir,

Your most obedient humble servant,

G. H. RYLAND.

J. M. HIGGINSON, Esq.,
Civil Secretary, &c., &c., &c.

Copy. No. 247,

DOWNING STREET, 27th JUNE, 1844.

SIR,

I have received your Despatches No. 98 & 97, of the 20th & 25th May last, enclosing copies of two letters which have been addressed to you by Mr. G. H. Ryland, on the subject of his claim to be compensated for the loss of the Office of Clerk of the Executive Council of Lower Canada.*

Mr. Ryland is desirous either that I should revise the decision which I have already pronounced on his claim, or that his case should be submitted for the consideration of the Queen in Council.

You will inform him that I have attentively weighed the arguments on which he rests his present application, but that I have not seen in them any thing to justify my departing from the view which I have already taken of his case, viz., that he is only entitled to be compensated for the loss of the Office of Assistant Clerk, which he held previously to his promotion to the Clerkship of the Executive Council of Lower Canada. Considering the peculiar circumstances of Mr. Ryland's case, I think that, although not entitled to it as a matter of right, the temporary allowance which I proposed in my Despatch of the 31st March last to assign to him, might fairly be computed upon the increased scale of salary allotted to his successor in the Assistant Clerkship, provided you should see no objection to granting him this indulgence.

With regard to Mr. Ryland's proposal that his case should be referred for the consideration of Her Majesty in Council, you will inform him, that Her Majesty could not be advised to consult the Judicial Committee of the Privy Council upon it, because there is no judicial question depending; neither could Her Majesty be advised to consult the Privy Council collectively, or to depart from the Rules by which the Crown is usually guided in cases analogous to his own.

In communicating the substance of this Despatch to Mr. Ryland, you will express to him my regret that I have been unable to take a more favorable view of his claim.

I have &c.,
(Signed)

STANLEY.

The Right Honorable.

SIR CHARLES METCALFE, Bart.
&c. &c. &c.

SIR,

QUEBEC, 24TH AUGUST, 1844.

Having received from the Civil Secretary communication of Lord Stanley's last Despatch relative to my claims on Government, I am again compelled to address myself to Your Excellency with a view to a further reference being had to Her Majesty's Secretary of State on the subject.

* Lord Stanley here abandons his last objection, and losing sight of the arrangement with the Representative of the Crown under which Mr. Ryland consented to give up the Clerkship of the Council of Canada, affects to treat Mr. Ryland's claim as one for compensation for loss of an Office in Lower Canada.

It would appear that my Lord Stanley has throughout laboured under the erroneous conception that I claim remuneration for the loss of the office of Clerk of the Council of Lower Canada, and that under this supposition he has awarded me a pension of the precise amount of that for which my Messenger in the aforesaid Department is now borne on the Pension List of the Country.

On this point I crave with all due submission to set his Lordship right, and respectfully to submit that my claim has no reference to any appointment I might have held in that part of the Province hitherto termed Lower Canada, but to the fulfilment of an arrangement entered into with me by Her Majesty's Representative in this Province on the part of the Crown, *after the Union*, by which I consented on public grounds and under certain conditions distinctly expressed in a memorandum laid before the late Governor General to resign the appointment of Clerk of the Council of Canada, to which I had been appointed on the Union of the Provinces, in February, 1841, by Lord Sydenham at the desire of the then Secretary of State Lord John Russell.

See Appendix A, page 33 & 34.

My negotiation with Lord Sydenham on which my claims are founded, had no relation to the Clerksip of the Council of Lower Canada which had ceased to exist, and I may here refer Your Excellency to the terms of the guarantee given to me on the 23rd of August, 1841, the very first sentence of which speaks of Fees given up by me since the Union, and again farther on it continues, "as it is possible that the emoluments of the Registrarsip of Quebec may fall very far below those of your present office" (that is the Clerksip of the Council of the United Provinces.) "His Excellency is willing to guarantee to you an Income equal to the sum to which you would be entitled as a retiring allowance were your employment in the Public Service altogether discontinued." Nothing I think can more plainly demonstrate than this the position I then held in Her Majesty's Service. But in order to remove all possibility of doubt upon the subject I would call Your Excellency's and Lord Stanley's attention to my official letters of the 3rd September, and 17th December, 1841, wherein I gave my consent under certain conditions only to the arrangement proposed concluding in my answer to Sir Richard Jackson's circular of the 8th December, 1841, by stipulating that in case Sir Charles Bagot did not approve of my appointment as Registrar of Quebec, I should return to the office which I then held as Registrar and Clerk of the Council of Canada, until such time as another of equal responsibility and emolument should be provided for me, and Your Excellency is doubtless aware that the office was not filled up nor a successor appointed to me for nearly a year after. But there is another very important feature in the case which my Lord Stanley appears to have entirely overlooked, viz.: that he himself was a party to the transaction which he would now repudiate, in as much as the appointments filled up by Sir Richard Jackson in compliance with previous arrangements entered into by Lord Sydenham, were duly and officially communicated and a list forwarded in which my name is included by Sir Charles Bagot to the Colonial Office of which my Lord Stanley was the head, who subsequently acknowledged and confirmed them by his Despatch to Sir Charles Bagot of the 1st June, 1842, and if Lord Sydenham's sudden death prevented his communicating, or his Successor omitted to notify the precise terms of the arrangement entered into with me, that is no affair of mine, nor can I with justice be held responsible for this omission on their part. I have shewn that my appointment as Clerk of the Council of Canada was sanctioned by anticipation in the Despatch of Lord Normanby, of the 3rd July, 1839, and directly by the acts of Lord John Russell and Lord Sydenham on the Union of the Provinces, in February, 1841, and that I afterwards in good faith and on public grounds consented to relinquish this appointment when I was not compellable to do so, it is unnecessary however again to go over grounds which have already been brought so clearly under Lord Stanley's notice, suffice it that the explanations I have been called upon to give have been declared satisfactory, and that the Secretary of State admits the principle upon which my claim rests, in his view of the case I am entitled to a Pension, and as far therefore as the future is concerned the question of amount remains solely to be determined, and upon this head the Imperial Act 4th and 5th Will. IV. Cap. 24, on which the Pensions of those Public Servants who have retired since the Union have been calculated is very explicit. I shall now only observe that when the Registrarsip of Quebec was offered me in exchange for the office I was required to give up, it was calculated that the first year's emigration would yield a sum of money affording with the Income of £515 guaranteed to me an adequate remuneration for the loss of the office in question. Before the expiration of the year however, a measure was sanctioned by the Executive, which did away with the remunerating clauses of the Registry Bill, and the Act passed during the last Session of the Provincial Parliament abolished the District Office altogether, cutting off three-fourths of the territorial extent and substituting a mere County Office instead.

My position therefore with regard to Government is now entirely changed from what it was at the time of my accepting the guarantee and up to the period of the first alteration in the Act, and I consequently claim,

1st. To be reimbursed the monies which I have advanced from my private means for the public service on the faith of Government, as pledged to me by Lord Sydenham.

2nd. Payment of the income which I enjoyed as Clerk of the Council of Canada from the fall of the year 1841, when I consented to retire from it.

3rdly. Remuneration for the heavy losses to which I have been subjected by the non fulfilment on the part of the Crown of the arrangement entered into with me by Her Majesty's Representative.

4thly. I claim for the future a Pension of £515 per annum, to which by my length of service I am entitled under the Imperial Act 4th and 5th Will. IV. Cap. 24, or to be restored to the Clerksip of the Council with the same advantages as when I retired from it.

It may perhaps be considered a harsh measure to dispossess the present incumbent, but when it is borne in mind that he has no claim on Government other than that founded on his occupation of the Council office during the last 20 months it will I think be allowed that the hardship on him would be trifling compared with the injustice that would be inflicted on me were I without adequate remuneration, and without cause to be deprived on any pretext whatsoever of an appointment expressly conferred on me by my Sovereign in approbation of my official conduct.

In conclusion as my Lord Stanley with every inclination to do me justice, which from the high character that Nobleman enjoys as a Minister of the Crown for honour and integrity in the conduct of that branch of the public service entrusted to his charge, I will not abandon the belief after the explanations now given, that I shall ultimately receive, may yet be a loss for funds to meet my claim, I would respectfully point to the Pension List of £5000 per annum, reserved by the reunion Act which shows an unappropriated and available amount of about £2,000 per annum, out of which a part of my claim for the past as well as a pension for the future might be secured me, and to the fund set apart by the same Act for the Executive Council Department which since the retirement of Your Excellency's late Ministry exhibits a very considerable unappropriated amount and as my present claim arises out of the position I formerly held in that Department, I respectfully submit that this sum might fairly be applied as peculiarly applicable to my case, particularly as it would with the balance above mentioned on the Pension List afford nearly a sufficient amount to cover the whole of my claim, without the necessity of applying either to the Provincial Legislature or to the Imperial Parliament on the subject.

I have the honour to be, Sir, with great respect,
Your Excellency's most obedient humble servant,
G. H. RYLAND.

His Excellency the Right Honorable
SIR CHARLES METCALFE,
Governor General, &c., &c., &c.

CIVIL SECRETARY'S OFFICE,

MONTRÉAL, 25th OCTOBER, 1844.

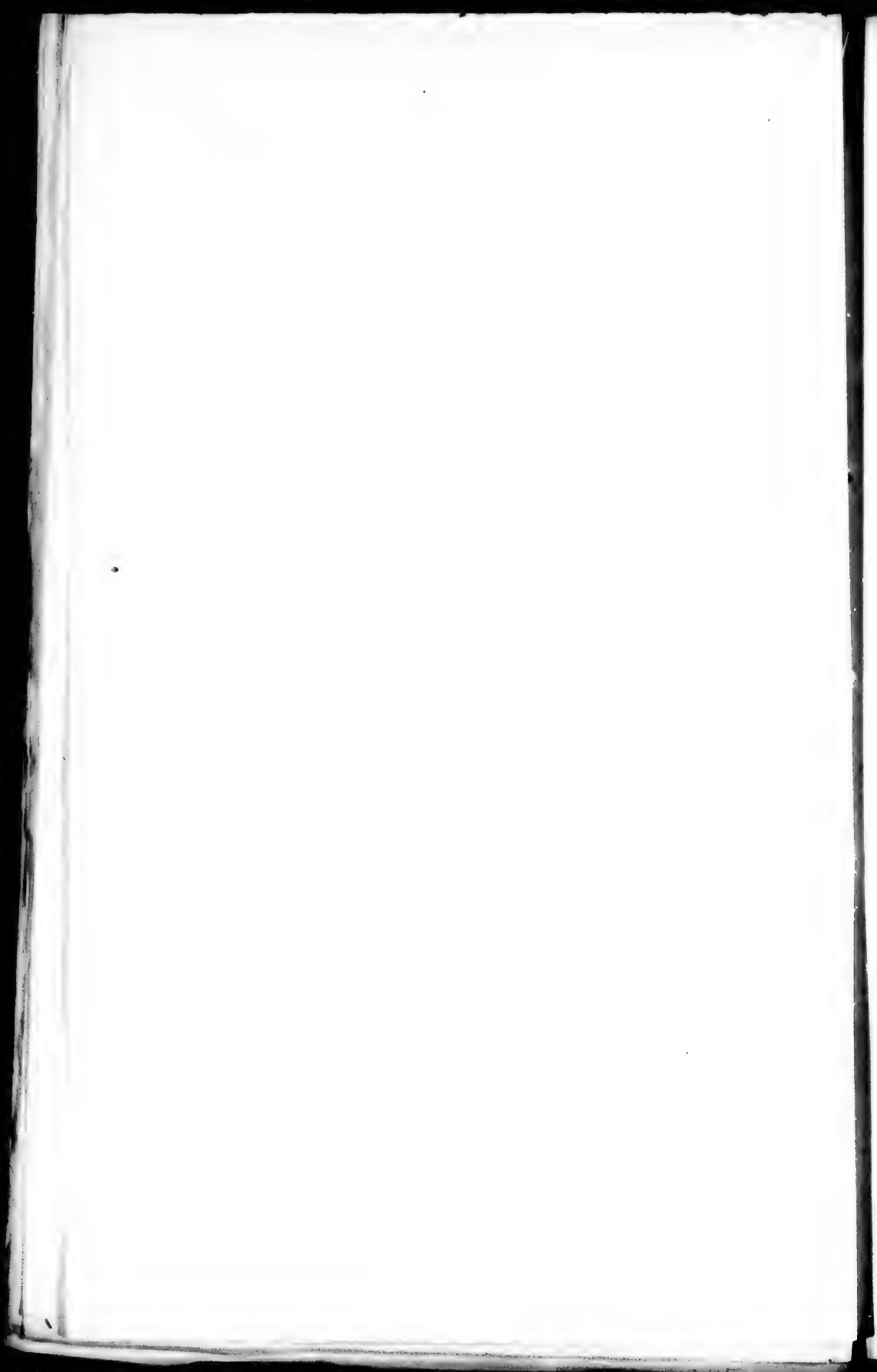
SIR,

I am directed by the Governor General to inform you that His Excellency has received a Despatch from the Secretary of State acknowledging the receipt of your communication of the 23rd August last, in which you claim further compensation for the loss of the Office of Clerk of the Executive Council, and for the non-fulfilment of the expectation which had been held out to you when you accepted the Office of Registrar of the District of Quebec; and the Governor General is instructed to acquaint you that Lord Stanley has fully considered your present representation, and that his Lordship has not perceived in it sufficient grounds to alter the view which he had already taken of your case. The claim which you prefer cannot be admitted as a matter of right; and Lord Stanley refers you to the decision conveyed in his former reply as finally disposing of the subject, so far as H. M. Executive Government are concerned.*

I have the honor to be,
Sir,
Your most obedient humble Servant,
J. M. HIGGINSON.

G. H. RYLAND, Esq.
&c. &c. &c.

* Implying it is presumed that the subject matter must be settled by Legislative enactment.



APPENDIX A.

Extracts from a Despatch addressed by Lord Glenelg to Sir Francis Bond Head, and communicated to the Legislature of Upper Canada by Message bearing date the 30th January, 1836.

" The principles of the Government in the two Sister Provinces must I am well aware be in every material respect the same.

" First, you will at the earliest opportunity enter into a diligent review of the offices in the appointment of the Crown and of the local Government, as detailed in the Report of the Committee and the Appendix, with a view to ascertain to what extent they may without impairing the efficiency of the public service be reduced immediately and prospectively ; you will report to me the result of your investigation with such particular information as will enable His Majesty's Government to decide in each case on the expediency of adopting your recommendation.

" Secondly, if during the reference of that report to me any occasion occurs for the reduction of offices, either by abolition or by consolidation, you will exercise your own discretion as to waiting for further instructions or proceeding at once to the reduction, any appointment however made under such circumstances will be merely provisional ; *In case of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders as the disappointment of their reasonable expectations may entitle them to receive.*

" In dealing with existing interests, the local Legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament for the guidance of their discretion in similar cases. The saving of public money which would arise from the unexpected reduction of official incomes would not only subject numerous families to extreme distress but by *imparing general confidence in the public credit* would weaken the foundations on which all proprietary right must ultimately rest.

" The King confidently relies on His faithful subjects of Upper Canada that they will not reduce His Majesty to the distressing alternative of either abandoning the just interests of any of His servants or opposing himself to measures having for their object the reduction of public expenditure."

If a fancied violation on the part of Lord Sydenham of unknown *implied instructions* conveyed to one of the Governors of Lower Canada, could in the opinion of Lord Stanley be strained to my prejudice, surely I ought by a purity of reasoning to be allowed the fullest possible benefit of a *positive instruction* conveyed to the Governor of Upper Canada and declared by the Secretary of State to be applicable to both Provinces, particularly when it is borne in mind that I surrendered at the instance of the Crown advantages of which I could not without my consent have been deprived, and entered into a solemn arrangement with Government my right to the fulfilment of which has been admitted by the late and present Governors General of Canada, and the Executive Council of the day forming in fact the Government of the Country. (Vide Official Letter from the Provincial Secretary, dated 7th April, 1843.)

G. H. RYLAND.

Extract from the Minutes of Council of the 6th September, 1828.

" His Excellency was pleased to direct the Assistant Clerk of the Council to make a Minute on the Book of Council of his entire satisfaction with the manner in which the Business of Council has been now brought to a conclusion."

Truly extracted.

E. PARENT.

DURHAM.

Great Seal. VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
QUEEN, Defender of the Faith,

To all to whom these Presents shall come, or whom the same may concern, *Greeting:*

Commissioner
appointing
George H.
Ryland to be
Clerk of the
Executive
Council in the
room and stead
of the late
Honorable Herman
Wittius Ryland,
deceased.

Recorded in
the Register's
Office of the
Records at
Quebec the
13th day of
October in the
year 1836, in
the tenth
Register of
Letters Patent
and Communi-
cations.

D. DALY.
H.R.

KNOW YE, that reposing trust and confidence in the loyalty, integrity and ability of Our beloved and faithful GEORGE HERMAN RYLAND, of Our City of Quebec, Esquire, We of Our special grace, certain knowledge and mere motion, have constituted and appointed, and by these Presents do constitute and appoint the said GEORGE HERMAN RYLAND to be CLERK OF OUR EXECUTIVE COUNCIL of and for OUR PROVINCE OF LOWER CANADA, in the room and stead of the Honorable HERMAN WITTIUS RYLAND, deceased; to have, hold, exercise and enjoy the said Office of Clerk of Our Executive Council as aforesaid, together with *all and singular the rights and privileges, fees, profits, emoluments and advantages* to the said Office appertaining, which of right ought to belong to the same, unto him the said George Herman Ryland, for and during Our Royal Pleasure, and the residence of the said George Herman Ryland in Our said Province of Lower Canada.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of our said Province of Lower Canada to be hereunto affixed.

WITNESS, Our Right Trusty and Right Well-Beloved JOHN GEORGE, EARL OF DURHAM, Viscount Lambton, &c., &c., Knight Grand Cross of the Most Honorable Military Order of the Bath, one of Our Most Honorable Privy Council, and Governor-General, Vice-Admiral and Captain General of all Our Provinces within and adjacent to the Continent of North America, &c. &c. &c. &c.

At Our Castle of St. Lewis, in our City of Quebec, in our said Province of Lower Canada, the thirteenth day of October, in the year of our Lord one thousand eight hundred and thirty-eight, and in the second year of Our Reign.

D. DALY,
Secretary.

(Copy.)
No. 53.

DOWNING STREET, 3RD JULY, 1839.

SIR,

I have the honor to acknowledge the receipt of your Despatch of the 8th ultimo, No. 84, enclosing an application from Mr. Ryland for the issue of the usual Warrant under the Royal Sign Manual appointing him Clerk of the Executive Council of Lower Canada. In reply, I beg to inform you that Mr. Ryland's nomination to this Office was not reported to my Predecessor by the Earl of Durham, and consequently it was impossible for Lord Glenelg to submit his name to the Queen for that appointment. If however you should be of opinion that the selection was a proper one and ought to be confirmed, I will give the necessary directions for preparing the usual Warrant. But in that case you will apprise Mr. Ryland that if the two Provinces of Upper and Lower Canada should be hereafter united, and it should be found in consequence impossible to continue his services, he would not be entitled to any retiring allowance on account of his present appointment.

I have, &c.,
(Signed)

NORMANBY.

Lieutenant General,
SIR JOHN COLBORNE, G. C. B.
&c. &c. &c.

VICTORIA REX.

Trusty and Wellbeloved We Greet you Well, Whereas, We have taken into Our Royal consideration the Loyalty, Integrity, and Ability of Our Trusty and Wellbeloved George Herman Ryland, Esquire, We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under the Seal of Our Province of Lower Canada in America, constituting and appointing him the said George Herman Ryland Clerk of the Executive Council of Our said Province. To have, hold, exercise and enjoy the said Office and Place during Our Pleasure with all the Rights, Fees, Profits, Privileges and Advantages therunto belonging or appertaining. And you are to cause to be inserted in the said Letters Patent a Clause or Provision obliging him the said George Herman Ryland to actual residence within Our said Province, and to execute the said Office in his own person, except in Case of Sickness or other Incapacity, and all such other Clauses and Provisions as are requisite and necessary in this behalf: And for so doing this shall be your Warrant. Given at Our Court at Windsor, the 26th day of August 1839, in the Third Year of Our Reign.

By Her Majesty's Command,

NORMANBY.

GEORGE HERMAN RYLAND, Esq.,
to be Clerk of the Executive Council,
Lower Canada.

EXECUTIVE COUNCIL OFFICE,

KINGSTON, 11TH JUNE, 1841.

SIR,

With reference to our conversation the other day, relative to the Fees of the Clerk of the Executive Council, I have to inform you that in consequence of your suggestion, that the demanding of Fees from the Upper Canadians, who have not been accustomed to pay them, might occasion complaints, which, at this moment, would be embarrassing to Government, I immediately gave directions that no Fees should from that period be exacted, either on Money Warrants, or for business done at the instance of Individuals having claims on Government. In ceasing, however, to demand these rights of office, I wish to be clearly understood that it is merely for the purpose of facilitating Public Business, and is not to be construed into an abandonment on my part of a right to exact these emoluments, or to receive indemnification from Government for the loss thereof.

I have the honour to be,

Sir,
Esq., Esq., Esq.,
(Signed) G. H. RYLAND.

THE HON. S. B. HARRISON,
Esq. Esq. Esq.

MEMORANDUM:—By His Excellency the Governor General.

Read—This can only be considered as a caveat—I do not believe that the Clerk has any right to the Fees at all.

Memorandum communicated to His Excellency the Governor General on the 22nd August, 1841.

The undersigned stands in a different position from any other Public Officer in the Province, having peculiar claims upon Government, which have been acknowledged by different Governors from the Duke of Richmond downwards, and by succeeding Secretaries of State under both Tory and Whig Administrations, and it was in reward of services that the situation of Registrar and Clerk of the Executive Council was specially conferred on him.

This Office is worth per annum £1030.

It is an Office ranking (as will appear by the subjoined Letter from Sir James Craig to Mr. Secretary Peel, in answer to a suggestion from the Earl of Liverpool,) high among the Public Departments of Government, no security is required of the holder, nor does any pecuniary responsibility attach to the Office.

It is the express desire of the Secretary of State that the undersigned shall continue to fill it, or that he shall receive an equivalent for the loss thereof.

His Excellency's measures requiring a change in the construction of the Council Office by which a great part of the responsibility and duty of the Registrar and Clerk will devolve on the President. It has been suggested that the undersigned shall in lieu of the Office he now holds be appointed to the Registrarship of Quebec, an Office of less respectability without fixed salary and to depend entirely on Fees, which as established by the Ordinance 4. Vict. Cap. 30, are particularly small, the duties will be onerous in the extreme, the responsibility great, and the security required unprecedented. (*Vide Sec. 8.*)

The undersigned has taken considerable pains to ascertain the probable value of this new Office and from a source, Prothonotaries Quebec, on which he can perfectly rely, he has gathered the following *Facts Viz:*

That owing to the heavy general registration of old deeds and particularly that which under the 2nd 4th and 52d sections of the Ordinance 4 Vict. Cap. 30, will be required on the part of the Crown, the Religious Communities and the holders of Seigniories. The amount of the 1st years enregistration may infinitely exceed and perhaps more than double the annual Income now enjoyed by the Registrar and Clerk of the Council, whilst in succeeding years the Office could not yield more than from £600 to £700 per annum.

Presuming however that after the first year it averaged per annum..... £800 0 0

The annual expenses of the establishment (which it may here be remarked would increase in proportion to the encrease of works,) could not be estimated at a lower rate than as follows :

A confidential Person as Deputy per annum.....	£250 0 0
Clerks or Writers.....	200 0 0
Rent of House for Offices.....	90 0 0
Stationary, Fuel, Office Servant, Printing and contingencies.....	120 0 0
<hr/>	
Total expense.....	£660 0 0
(Nothing said of Office furniture.)	£660 0 0
<hr/>	
Would leave a balance for the remuneration of Registrar of.....	£140 0 0
<hr/>	
The Income derived from the Office of the Clerk of the Executive Council as before stated amounts to.....	£1030 0 0
Deduct balance as above forming actual Income of Registrar.....	£140 0 0
Would (setting aside the first year's emolument, leave a diminution of Income of.	£890 0 0
<hr/>	

By the 4th and 5th Will. IV, the undersigned would be entitled to a retiring allowance of one-half of his official income and but for the duty he owes a young family, he might be tempted to avail himself of this enactment.

Should it however be the Governor General's pleasure to confer on the undersigned in lieu of his present office that of Registrar of the District of Quebec, he trusts it will be accompanied with such pecuniary remuneration as under the circumstances of the case His Excellency may think the undersigned in fairness and equity justly entitled to receive, taking into consideration the comparative value of the two appointments together with the amount of responsibility and degree of labour attached to each, or a guarantee of such annual income as will the possible overplus derivable from the 1st year's enregistration under the Ordinance 4 Vic. Cap 30, shall secure him an equivalent for the full amount of the income now enjoyed by him as Registrar and Clerk of the Executive Council and which he now consents in order to meet the views of His Excellency to relinquish.

The Governor General having, on the 22nd August 1841, been pleased to acquiesce in the justice of the above statement, Mr. Ryland was desired to put himself in communication with Mr. Secretary Murdoch to whom His Excellency declared he would give the necessary instructions to meet Mr. Ryland's views; the latter accordingly addressed a note on the subject to the Chief

Secretary, and on the 25th the following official letter from that gentleman was put into Mr. Ryland's hands who trusting implicitly in the faith of Government, immediately left Kingston for Quebec, having on leave taking received instructions from His Excellency to take instant steps for the formation of an efficient establishment to carry out the provisions of the Registry Ordinance on the 1st of October following.

G. H. RYLAND,
Ex. Cl. Office.

SIR,

KINGSTON, 23rd AUGUST, 1841.

I am commanded by the Governor General to acknowledge the receipt of your letter of this day's date on the subject of your claim to be indemnified for certain fees given up by you since the Union, and your future appointment to be Registrar for the District of Quebec.

In reply I am to inform you that as it appears that the average of your fees during the last three years has been £397 8d. and as you have discontinued the receipt of those fees for about six months, His Excellency is pleased to grant you as an indemnity one moiety of that sum, and has directed Major Campbell to draw in your favor on the Commissary General for that amount and your travelling expenses, making in the whole the sum of £252 7s. In regard to the Registration of Quebec His Excellency will be prepared to appoint you to that situation whenever the Ordinance under which it is created shall be brought into operation, and in the interval you will continue to receive the salary attached to the office of Clerk of the Council. But as it is possible that the emoluments of the Registration of Quebec may fall very far below those of your present office, His Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled as a retiring allowance were your employment in the public service altogether discontinued. Assuming your income on an average of the last three years to be £1030 Currency and your length of service as a public Officer to be 24 years, you would be entitled under the scale established by the 4 & 5 Wm. 4. c. 24 to a retirement equal to one half your emoluments, or £515 Currency. That amount therefore His Excellency is willing to guarantee to you by making up your emoluments from the employment in the public service which may hereafter be assigned to you, to that extent, should they be insufficient of themselves to do so—should they exceed it, you will of course be entitled to the excess.

I have, &c.

(Signed)

T. W. C. MURDOCH,
Chief Secretary.

Certified to be true Copies,

RAWSON W. RAWSON,
Chief Secretary.

26 November, 1842.

Copy.—No. 4.

Private.

MY DEAR MURDOCH,

MOUNT LILAC, 3RD SEPTEMBER, 1841.

Enclosed you have my answer to your official of the 24th ult. In regard to the compensation for loss of fees, I am as I told you before I left Kingston, dissatisfied, and since my return here, I have still greater reason to be so as I find that as soon as it was known that the Fee system in my office was done away with, all the old extracts which for two or three years have been prepared, but neglected by the parties interested to be taken up, were all immediately called for. I know not whether Campbell has sent down the order on the Commissariat for the amount awarded me, but whether he has or not, as I have not yet received it, I consider the question still open for revision, and I trust that from a sense of justice you will not hesitate again to bring this point before His Excellency that the award may be increased.

I ask nothing unreasonable : the sum to which I am entitled under my tariff amounts to upwards of £700—let the period of commutation only be increased six months, giving me one year's.

fees, and I shall take it as a discharge in full for my claims on this particular head, thereby resigning £300 besides the £50 a month extra allowance to which there can be no doubt that I was entitled. Should you have any objection to trouble His Lordship again on this subject, which I can scarcely think possible, let me know by return of post, and I will address myself direct to His Excellency.

I arrived here late on Saturday night, having been detained on the way down by the Lord Sydenham's running aground near Sorel, where we were obliged to remain till the Canada came to our relief.

Ever truly yours,

(Signed,) G. H. RYLAND.

MOUNT LILAC, BEAUPORT, 3RD SEPT. 1841.

SIR,

I have the honor to acknowledge the receipt of your official letter of the 24th ult. (put into my hands as I was going on board the Steamer,) relative to my appointment as Registrar of the District of Quebec, and to my claim for indemnification for the loss of certain fees amounting to about £700 given up by me since the Union at the request of the Executive.

In regard to the Registrarship of Quebec, I have to request that you will convey to His Excellency my acceptance of this Office, but with the *perfect understanding* that in the event of its not proving nearly equal in value to my appointment of Registrar and Clerk of the Executive Council, the sum guaranteed *is not to be considered as compensation in full either for the loss of that office or of my claim upon Government.*

I have, &c., (Signed) G. H. RYLAND.

MR. SECRETARY MURDOCH,
&c. &c. &c.

Subsequent to the death of the late Governor General Lord Sydenham, the following circular was addressed by Mr. Secretary East to Mr. Ryland :

[Circular.]

S E C R E T A R Y ' S O F F I C E .

KINGSTON, 8TH DEC. 1841.

SIR,

I am commanded by the Administrator of the Government to offer for your acceptance the Registrarship of the District of Quebec.

In so doing, however, I am to add that His Excellency is desirous you should perfectly understand that this appointment is offered you subject to the approval of the Governor General, and that if, on Sir Charles Bagot's arrival, he should see fit to revoke it in favor of any other party, it is not to be held to give you any claim whatever upon the Government for other official employment or indemnification.

I have the honor to be, Sir,
Your most obedient servant,

D. DALY, Secretary.

G. H. RYLAND, Esq.
&c. &c. &c.
Quebec.

No. 5.

SIR,

MOUNT LILAC, QUEBEC, 17TH DECEMBER, 1841.

I have the honour to acknowledge the receipt of your official communication of the 8th inst., wherein you inform me "that you are commanded by the Administrator of the Government to offer for my acceptance the Registrarship of the District of Quebec."

Having already stated to His Excellency the late Governor General my willingness under certain conditions to accept the office in question, I have now to request you will convey to His Excellency the Administrator of the Government my readiness to enter upon the duties of the Registrarship of the District of Quebec whenever His Excellency may think proper to put the Ordinance 4 Vict. Cap. 30, into force.

In regard to that part of your letter wherein I am given to understand that the appointment in question is to be considered as subject to the approval of Sir Charles Bagot, I have merely to observe that my claims on Government being of a peculiar nature, acknowledged by Her Majesty's Ministers at home as well as by the Local Government here, and Her Majesty having been pleased by Her Mandamus appointing me Clerk of the Executive Council of Lower Canada specially to acknowledge my Public Services, my position I respectfully submit does not require to be strengthened by any adventitious circumstance like the present appointment, and as I should be most sorry to take any undue advantage of the kindly feeling either of the late Governor General or of the present Administrator of the Government towards me, I shall of course consider myself bound, in case Sir Charles Bagot does not approve of my appointment as Registrar of the District of Quebec, to return to the Office which I now hold as Registrar and Clerk and emolument shall be provided for me.

I have, &c.,

(Signed)

G. H. RYLAND.

HON. D. DALY,
&c. &c. &c.

(Copy.)

CHIEF SECRETARY'S OFFICE,

SIR,

KINGSTON, 8TH JANUARY, 1842.*

I am commanded by the Administrator of the Government to acknowledge the receipt of your Letter of the 28th ultimo, requesting that a Warrant may be issued for your Salary as Clerk of the Executive Council, up to the 31st ultimo, together with a compensation for the loss of your fees to that date, at the rate sanctioned by the late Governor General.

In reply I am to inform you that previously to the receipt of your Letter a Warrant had been signed for your Salary. In regard to your compensation for loss of fees His Excellency observes that according to the strict letter of the agreement made with you in August last, such compensation would scarcely appear to have been contemplated, but as you had at that time every reason to believe that the Registry Ordinance would come into operation early in the ensuing month, and as you consequently incurred expences on the faith of Lord Sydenham's promises to you, which you would otherwise have postponed. Sir R. Jackson considers that you have an equitable claim to compensation. His Excellency has accordingly authorised the Commissary General to pay to you the sum of £146 14s. 8d. Currency, being the amount to which you would be entitled for the four months from 1st September to the 1st instant, at the rate agreed upon by Lord Sydenham.

I have, &c.

T. W. C. MURDOCH,
Chief Secretary.

G. H. RYLAND, Esq.

* This Letter will prove that Mr. Ryland was still considered (and treated with) as Clerk of the Council of Canada nearly a year after the Union of the Provinces.

No. 6.

Account of Receipts and Disbursements during the Year 1842 :

Disbursements.

Rent of House for Offices, to 31st May, 1842.....	£ 37 10 0
Do do do 1st January, 1843, at £85 per annum.....	56 13 0
Salary of Deputy and two Clerks.....	512 10 0
Extra Writers, { Mr. Gordon.....	£8 0 0
{ Mr. Carter.....	3 6 8
	11 6 8
Office Furniture.....	27 18 0
Miller, for clearing snow from front of Office.....	3 0 0
Office Keeper.....	40 0 0
Office Counter, and Painting do.....	4 10 0
Eddard, for moving Counter.....	0 12 6
Fire Wood, Winter 1841 and 1842.....	8 0 0
Do present Winter.....	12 4 8
Stoves.....	9 0 0
Coals, and Carting do.....	5 4 0
Tin Smith's Account for Pipes, &c. &c.....	5 0 0
Stationery, Printing, &c.....	66 15 6
Clock.....	12 0 0
	£812 4 4

Receipts.

1821 Memorials, and 3 Documents at length, enregistered—amounting to..... 530 8 3½

Excess of Disbursements over the amount of Fees received..... £281 16 0½

In addition to the above may be added the sums of £46 3s. and £46.—£92 3. paid on Insurance to the Eagle Life Assurance Company of London, and handed over as a collateral security to those gentlemen who had entered into recognizances in my favour, and which, be it remembered, is not like a person being security under ordinary circumstances for the honesty of an officer holding a pecuniary trust, but here the securities of the Registrar are answerable for the faults of the Deputy and Clerks as well as of the Registrar himself, and though it may be said that the family of the Registrar will benefit by this forced Insurance at his death, still it must be borne in mind that they are also held answerable for three years *after his death* for all errors and faults in his office whilst living.

(Signed)

G. H. RYLAND.

QUEBEC, 17th DECEMBER, 1843.

SIR,

With reference to my claims against Government, I beg respectfully to call His Excellency's attention to the fact, that the Act lately passed by the Provincial Legislature, amending the ~~Regis~~ Ordinance and providing for a division of the present Registry Districts into Counties, will have the effect of depriving me of upwards of *three-fourths* of my present jurisdiction, thereby of course proportionably diminishing my chance of deriving any remuneration from the office I hold under the arrangement entered into with Her Majesty's Representative.

I may also observe that the extension of time given has already operated as a total check on registration, and that unless the Government set the example by ordering the proper Officer without delay to effect the Crown enregistration, (which for its own sake should at once be done in order to save the expence of double entries,) to which after the 1st of March next it will

in most instances be subjected, the public will not consider the delay now granted as a boon intended merely for their convenience and as a final measure, but will on the contrary as heretofore make use of it as a pretext to avoid complying with the law in hopes of thereby obtaining still further delay and exemptions.

I have the honor to be,
Sir,
Your most obedient Servant,

J. M. HIGGINSON, Esq.
Private Secretary
&c. &c. &c.

G. H. RYLAND.

Extract of a letter from T. W. C. Murdoch, Esq., Civil Secretary to the late Lord Sydenham, Governor General of Canada.

" My Dear Ryland,

" BRIGHTON, 17TH SEPTEMBER, 1844.

" I received here yesterday morning your letter of the 28th August last, I am away from the office for my annual holiday, and do not expect to be back there till the end of next month.

" I do sincerely hope that your remonstrance to Lord Stanley may be successful, I have always thought and felt that yours was a case of peculiar hardship, and have never failed when I had an opportunity to say so, and to bear testimony to the correctness of your interpretation of the agreement between yourself and Lord Sydenham.

" Very sincerely yours,

" (Signed) T. W. C. MURDOCH."